

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GARY HARRIS,	:	
	:	
	:	
Plaintiff,	:	Civ. No. 14-460 (NLH)
	:	
v.	:	OPINION and ORDER
	:	
CHRISTOPHER HOLMES, et al.,	:	
	:	
Defendants.	:	

APPEARANCES:

Gary Harris, #283029
South Woods State Prison
215 Burlington Road South
Bridgeton, NJ 08302
Plaintiff Pro se

Plaintiff Gary Harris, an inmate currently confined at South Woods State Prison in Bridgeton, New Jersey, having brought this civil rights action in forma pauperis, without prepayment of fees or security, asserting claims pursuant to 42 U.S.C. § 1983; and, based on his affidavit of indigence, the Court granting Plaintiff's application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) and (b); and the Court having screened the instant Complaint to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted, or because it seeks monetary relief from a defendant who is immune from suit pursuant to 28 U.S.C. § 1915(e)(2)(B); and the Court finding

that that dismissal of Plaintiff's claims are not warranted at this time;

IT IS on this 31st day of March, 2015,

ORDERED that Plaintiff's application to proceed in forma pauperis is GRANTED; and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of the filing fee pursuant to 28 U.S.C. § 1915(a); and it is further;

ORDERED that Plaintiff's claims under 42 U.S.C. § 1983 against Defendants will not be dismissed under 28 U.S.C. §§ 1915(e)(2)(B); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons, the Complaint and this Order upon Defendants, with all costs of service advanced by the United States¹; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee in the manner set forth in this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that in each month that the amount in Plaintiff's

¹ Alternatively, the U.S. Marshal may notify defendant(s) that an action has been commenced and request that the defendant(s) waive personal service of a summons in accordance with FED. R. CIV. P. 4(d).

account exceeds \$10.00, until the \$350.00 filing fee is paid, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall reference the civil docket number of this action; and it is further

ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants shall file and serve an answer, see FED. R. CIV. P. 12(a)(1)(A); it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; and it is further ORDERED that, if at any time prior to the filing of a notice of appearance by Defendants, Plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to FED. R. CIV. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service.²

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

² After an attorney files a notice of appearance on behalf of a Defendant, the attorney will automatically be electronically served all documents that are filed in the case.